

### **Remarks**

Applicants have carefully reviewed the Office Action of July 6, 2011, in which claims 1-20 are pending and have been rejected. Favorable further consideration is respectfully requested in light of the above amendments and following remarks.

### **Claim Objections**

Claim 1 was objected to as having a typographical error. That portion of the claim has been deleted.

### **Claim Rejections—35 USC 112**

Claims 1-20 were rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement. The offending subject matter has been deleted from independent claims 1 and 11. Instead, the claims recite a retention element. Support for this amendment (and for new claims 21-23) may be found, for example, in Fig. 33 and paragraph 110. No new matter has been entered. Applicants submit that the claims now comply with 35 USC 112.

### **Claim Rejections—35 USC 103**

Claims 1, 2 and 4-20 were rejected under 35 USC 103(a) as being unpatentable over Heusch, USPN 5,853,422 in view of Kerr, USPN 5,941,896 and claim 3 was rejected under 35 USC 103(a) as being unpatentable over Heusch in view of Kerr as applied to claim 1 and further in view of Kotula, USPN 5,846,261. Applicants respectfully traverse the rejections.

In the rejection, element 230 of Heusch is said to correspond to the deployment line. Element 230 is taught as comprising a “shaft 231 with distal pull bar (or twist-lok bar) 232, pull mechanism being construction and arranged for insertion into device 200 through proximal opening 233 and distally through distal opening 234, and rotated, as shown at FIGS. 16-17.” Col. 6, ll. 42-46. Thus Heubch does not disclose a retention element proximal of the implantable device as claimed.

Thus even if Heusch were to be modified in view of Kerr by using an introducer catheter and a delivery catheter as suggested, the claimed invention would not result.

Accordingly, applicants submit that independent claims 1 and 11 are patentable over the cited art. As claims 2-10 and 12-23 depend from one of claims 1 and 11 and contain additional elements, applicants submit that these claims are also in condition for allowance.

In view of the foregoing, all pending claims are believed to be in condition for allowance. Further examination, reconsideration, and withdrawal of the rejections are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Date: Oct. 20, 2011

Respectfully submitted,

  
Glenn M. Seager, Reg. No. 36,926  
SEAGER, TUFTE & WICKHEM, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
[Glenn.Seager@stwiplaw.com](mailto:Glenn.Seager@stwiplaw.com)  
Tel: (612) 677-9050  
Fax: (612) 359-9349